

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL No. 2724
16-MD-2724

HON. CYNTHIA M. RUFÉ

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**DECLARATION OF BRIAN J. SMITH
IN SUPPORT OF CERTAIN DEFENDANTS' RESPONSE IN OPPOSITION TO
PLAINTIFF STATE OF NEW YORK'S OBJECTIONS TO SPECIAL MASTER
DAVID H. MARION'S REPORT AND RECOMMENDATION NO. 6**

I, Brian J. Smith, hereby declare as follows:

1. I am attorney at the law firm of K&L Gates LLP. I am one of the counsel of record in the above-captioned action representing Defendant Mayne Pharma Inc. ("Mayne"). I submit this declaration in support of Certain Defendants' Response in Opposition to the State of New York's Objections to Special Master Marion's Report and Recommendation No. 6.

2. Attached as Exhibit A is a true and correct excerpts of Plaintiff States' Consolidated Amended Complaint, filed on June 18, 2018; of Plaintiff States' Amended Complaint in Civil Action No. 19-cv-02407-CMR, filed on November 1, 2019; and of Plaintiff States' Complaint in Civil Action No. 3:20-cv-00802-SRU, filed on June 10, 2020.

3. Attached as Exhibit B is a true and correct copy of Plaintiff State of New York's Revised Responses and Objections to Defendants' First Set of Interrogatories Propounded to the State Plaintiffs, served on Defendants on January 30, 2020 in this lawsuit.

4. Attached as Exhibit C is a true and correct copy of Defendants' First Set of Requests for Production of Documents to Plaintiff States, served on Defendants on August 31, 2018 in this lawsuit.

5. Attached as Exhibit D is a true and correct copy of a Report and Recommendation Order from Special Master David H. Marion Setting Forth a Case Management Order and Discovery Schedule, submitted on August 16, 2019 in this lawsuit.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on this 19th day of May, 2021, in Chicago, Illinois.

A handwritten signature in blue ink, appearing to read 'BJS', is positioned above the name Brian J. Smith.

Brian J. Smith